

REMARKS

Claims 1-50 as originally submitted and amended herein are pending in the Application. In the Office Action dated May 28, 2004, the cover sheet indicates that only claims 1-42 are pending. However, no restriction requirement has been issued nor has any cancellation of any claims have been made. In addition, the Office Action appears to address all of claims 1-50, therefore, the undersigned requests appropriate correction of the pending claims in the next Office Action.

In the Office Action, the Examiner rejected each of claims 5, 12, 17 and 23 under § 112, second paragraph, for being unclear as to whether the memory that the controller transfers data to the second bus is the “memory [coupled to the CPU] via the first bus” or the “non-volatile memory for storing machine state information.” Claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 17, 20, 22, 23, 26, 38, 42, 45, and 48 were rejected under §102(e) as being anticipated by U.S. Patent Application No. 2003/0005223 to Coulson. Claims 3, 10, 18, 24, 43, and 49 were rejected as obvious over Coulson in view of U.S. Pat. No 6,256,692 to Yoda. Claims 28, 29, 31, 33, 35 and 37 were separately rejected as obvious over Coulson in view of Yoda. Claims 4, 11, 19 and 25 were rejected as obvious over Coulson in view of “The Free On-Line Dictionary of Computing” (FOLDOC). Claims 7, 14, 21, 27 and 44 were rejected as obvious over Coulson in view of U.S. Pat. No. 5,875,454 to Craft. Claims 30 and 34 were rejected as obvious over Coulson and Yoda in view of FOLDOC. Claims 32, 36 and 50 were rejected as obvious over Coulson and Yoda in view of Craft. Claims 39 and 47 were rejected as obvious over Coulson in view of U.S. Pat. No. 6,186,400 to Dvorkis. Claim 40 was rejected as obvious over Coulson in view of U.S. Pat. No. 6,438,668 to Esfahani. Claim 42 was rejected as obvious over Coulson in view of U.S. Pat. No. 6,243,831 to Mustafa. Finally, the drawings were objected to because they include a reference label 426 which was not referenced in the textual description.

Reconsideration of the application is requested in view of the present amendment and following remarks.

As an initial matter, Applicants acknowledge the Examiner’s summary of the non-substantive telephonic interview of June 14, 2004 wherein the Examiner discussed consideration of U.S. Pat. No. 6,233,376 to Updegrove, which the Examiner cited with PTO form 892 mailed

with the instant Office Action of May 28, 2004. Applicant's understanding from the summary is that this reference was considered by the Examiner prior to issuance of the instant Office Action. If this understanding is not correct, clarification is requested.

Turning now to the claims and the rejections thereof, with respect to the rejection of claims 5, 12, 17 and 23 under § 112, second paragraph, Applicants have amended each of these claims to recite "non-volatile" memory to clarify that the controller transfers data to the second bus to non-volatile memory for storing machine state information. This amendment is not for a reason substantially related to patentability because the original recitation of the non-volatile memory in the base claims in view of the description and the drawings makes it clear that the non-volatile memory is the memory to which data is transferred by the second bus as intended in the claims.

With respect to the rejections for lack of novelty and obviousness, each of these grounds of rejection depends on Coulson, which is prior art only under § 102(e). Submitted herewith is declaration under 37 C.F.R., § 1.131 swearing behind Coulson. The declaration provides evidence that Applicants conceived of the invention prior to the June 27, 2001 filing date of Coulson, and that there was diligence in constructive reduction practice thereof in filing the instant application by the inventors, their employer and patent counsel. Applicants therefore submit that the declaration under § 1.131 is sufficient to remove Coulson as prior art, obviating each of the grounds of rejection that depend on Coulson. Applicants emphasize that the submission of the declaration under § 1.131 is not an admission that Coulson anticipates the claimed invention or renders it obvious in view of the earlier references, rather this submission is merely to remove Coulson as prior art to expedite prosecution of the application.

With respect to the drawings, the first paragraph on page 9 of the application is amended herein to refer to label 426. The amended material does not add new matter to the specification in that the amended line merely refers to what is described in Figure 4 of the drawings as originally submitted.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

Postcard
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